

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:16-CV-183

FILED
CHARLOTTE, NC

FEB 12 2020

US DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES OF AMERICA, *ex rel*
ROSEMARIE M. BOOZE and CHARLES F.
MACTUTUS,

Plaintiffs,

v.

UNDER SEAL

UNIVERSITY OF SOUTH CAROLINA,
THOMAS COGGINS, and JUN ZHU,

Defendants.

**THE GOVERNMENT'S NOTICE OF ELECTION TO
DECLINE INTERVENTION AND MOTION TO UNSEAL COMPLAINT**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States of America (the “Government”) notifies the Court of its decision not to intervene in this action and moves the Court to unseal the Complaint (Doc. No. 2) in this case.

Although the Government declines to intervene, it respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows relators to maintain the action in the name of the Government; providing, however, that the action may be dismissed only if the court and the Government consent. Therefore, the Government requests that, should either the Plaintiff-Relators or the Defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval. Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the Government requests that all pleadings filed in this action be served upon the United States and that orders issued by the Court be sent to the Government’s

counsel. The Government reserves its right to order any deposition transcripts, to intervene in this action, for good cause at a later date, and to seek the dismissal of the Relators' action or claims. The United States also requests that it be served with all notices of appeal.

Finally, the Government requests that the Relators' Complaint (Doc. No. 2), this Notice (Doc. No. 32), and the attached proposed Order be unsealed. The Government requests that all other papers on file in this action remain under seal because, in discussing the content and extent of the Government's investigation, such papers are provided by law to the Court alone for the sole purpose of its evaluation as to whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully submitted this 12th day of February, 2020.

R. ANDREW MURRAY
UNITED STATES ATTORNEY


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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of February, 2020, the foregoing Government's Notice to Decline Intervention and Motion to Unseal Complaint was served upon the parties indicated below by depositing a copy, correctly addressed and postage prepaid, with the United States Postal Service.

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KATHERINE T. ARMSTRONG
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CERTIFICATE OF NON-SERVICE

Because this action is under seal pursuant to 31 U.S.C. § 3729 *et seq.*, Defendant has not been served with a copy of the foregoing Government's Notice to Decline Intervention and Motion to Unseal Complaint.

This the 12th day of February, 2020.


KATHERINE T. ARMSTRONG
ASSISTANT UNITED STATES ATTORNEY